

REMARKS

Reconsideration is respectfully requested. Claims 1 and 9 are present in the application. No claim is amended herein.

Claim 9 is rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully traverses. It is believed the meaning and intent of the claim is clear.

The claim recites:

A box according to claim 1, characterized in  
that there is introduced a means for  
arranging an additional glass container,

The above portion of claim 1 is submitted to be clear and grammatically correct.

Continuing, the claim states:

by which at least one part of the body is  
provided, wherein an additional glass  
container is purposed for increase of the  
moment of rotation of a part of a body at its  
opening.

It is respectfully submitted that this portion of the claim is also clear and grammatically correct. The verb purposed is used here in the sense of being provided or having a purpose.

Purposed is a proper form of the verb purpose, as noted by the dictionary entry submitted as an appendix herewith from the Websters Third New International Dictionary of the English Language Unabridged, 1981, page 1847. Applicant has added an arrow pointing to the acceptable endings, which include -ed and -ing.

It is accordingly submitted that the claim is in compliance with 35 U.S.C. §112, second paragraph, and reconsideration and withdrawal of the rejection is requested.

Claims 1, and 9 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Joyse (US 1727235) in view of Hakker (US 2236368).

Applicant respectfully traverses

The applicant studied the US Patents 1,727,235 in the name of Joyse and 2,236,368 in the name Haaker and believes that they do not defeat novelty of the technical solution of the present application claims. Applicant's arguments are set below.

In Joyse as well as in the earlier cited Ngan, when the shells are not at a fully open position the construction has a slippery condition that is connected with the very close location of pivot points. This construction was not worked out for providing a condition of true equilibrium when the shells are not fully open.

In Joyse pivot points are located exactly on the external of the casing shell's edge, which closes out realizing the

features indicated in claim 1 of the present application, according to which "each pivot being located, away from the external border of the corresponding part of the body, at a distance which is selected according to a condition excluding the return of the body parts to the initial position by the weight of the bottom and the weight of the glass container at a preset opening angle of the body parts". Therefore, the difference of the present applied invention from Joyse is apparent and non-obvious. At this the said distance is limited by the width of a pivot. As for the change of the container's weight during drinking of a beverage, tendency of such a change would be apparent - weight decreases. That is why a distance for location of a pivot is selected with account of initial (maximum) weight of a container.

It was necessary for the applicant (for saving a glass container from the consumer's careless movement or for its saving from strokes on glass) that the shells are not wholly opened and, at the same time, that they are not closed due to the container's weight and to exclude the possibility of their closing in half-open position. At this the casing with a container should be in a condition of true equilibrium. For this purpose it is necessary to locate the pivots at a preset distance, conditions of determining of which are set in claim 1 of the application.

In Haaker, as well as in earlier cited L'Enfant, in spite of presence of a flexible strap for limitation of the shells opening there is no lifting platform in it. When situating a glass container into a box according to Haaker as well as according to L'Enfant the shells will fold. Looking through the present application (see Figs. 2, 3) it is clear even for a not skilled person that the applicant solves a rather different problem, namely, to avoid the shells' (parts 2 of the body) folding. To avoid the shells' folding it is necessary that the center 6 of mass (see figs. 2, 3) of each body part passes through the corresponding vertical plane 7 going through points of contact between the body part and the supporting surface. Thus (Fig.2 of the present application), the parts 2 of the body can fold, and when the according mass of parts 2 of the body is chosen, they will pass through the corresponding vertical plane 7 (see Fig.3) and will never fold. A flexible limiter 10 in the applied device is compulsory; otherwise the parts 2 will wholly open and fall on the supporting surface.

The technical solution according to the present application is connected with Joyse and Haaker patents only by that they refer to one and the same field of techniques and by presence of some alike constructive elements. But the elements themselves are of different functions, connections between the construction elements are different, and the technical solutions of Joyse and

Haaker patents do not solve the problem set by the applicant and do not achieve its technical result.

It is impossible to combine Joyse and Haaker to obtain the invention described in the present application. Looking at figures of all these patents it is impossible to understand how they should be combined to obtain, for example, Fig. 3 of the present application, and applicant's claims.

The applicant's explanations are set above. It is not clear for a person skilled in art how Joyse and Haaker should be combined for obtaining the applied invention. These patents have no means preventing closing of shells of body opened by a consumer.

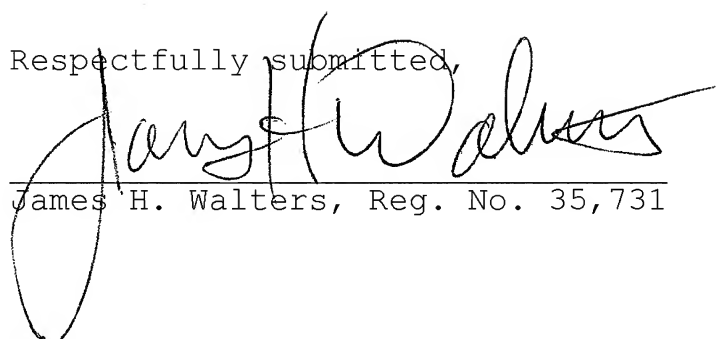
It is accordingly respectfully submitted that the claims should be allowed.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

It is believed that the required fees are being submitted herewith. However, if additional fees are required to keep the application pending, please charge deposit account 503036. If fee refund is owed, please refund to deposit account 503036.

Appl. No. 10/516,568  
Response. dated January 8, 2009  
Reply to Office action of September 8, 2008

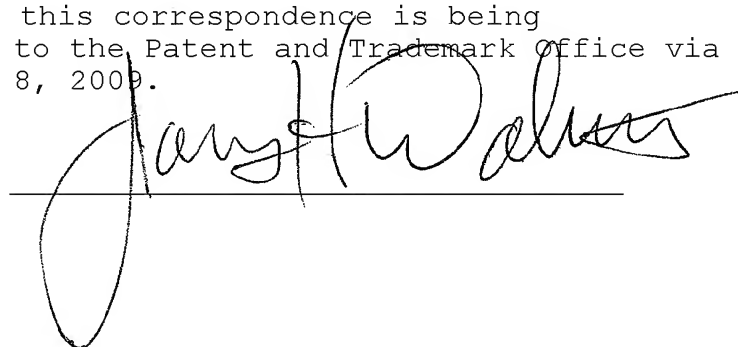
Respectfully submitted,

  
James H. Walters, Reg. No. 35,731

Customer number 802  
patenttm.us  
P.O. Box 82788  
Portland, Oregon 97282-0788 US  
(503) 224-0115  
DOCKET: V-302

Certification of Electronic Transmission

I hereby certify that this correspondence is being electronically transmitted to the Patent and Trademark Office via the EFS system on this January 8, 2009.

  
\_\_\_\_\_

Webster's  
Third  
New International  
Dictionary  
OF THE ENGLISH LANGUAGE  
UNABRIDGED

*A Merriam-Webster*  
REG. U. S. PAT. OFF.

*Utilizing all the experience and resources of more than  
one hundred years of Merriam-Webster® dictionaries*

EDITOR IN CHIEF  
PHILIP BABCOCK GOVE, Ph.D.  
AND  
THE MERRIAM-WEBSTER  
EDITORIAL STAFF



MERRIAM-WEBSTER INC., *Publishers*  
SPRINGFIELD, MASSACHUSETTS, U.S.A.

COPYRIGHT © 1981 BY MERRIAM-WEBSTER INC.

PHILIPPINES COPYRIGHT 1981 BY MERRIAM-WEBSTER INC.  
WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY  
PRINCIPAL COPYRIGHT 1961

Library of Congress Cataloging in Publication Data  
Main entry under title:

Webster's third new international dictionary of  
the English language, unabridged.

Includes index.

I. English language—Dictionaries. I. Gove,  
Philip Babcock, 1902–1972. II. G. & C. Merriam Company.  
PE1625.W36 1981 423 81-16878  
ISBN 0-87779-201-1 (blue Sturdite)  
ISBN 0-87779-206-2 (imperial buckram) AACR2

*All rights reserved. No part of this work covered by the copyrights hereon may be  
reproduced or copied in any form or by any means—graphic, electronic, or mechan-  
ical, including photocopying, recording, taping, or information storage and retrieval  
systems—without written permission of the publisher.*

MADE IN THE UNITED STATES OF AMERICA

38kp85



## grass

a Mexican climbing family Scrophulari- howy dark red bells

an American grass barrens from New

rennial Old World times cultivated for

*Itricularia purpurea* U.S. and has sub- emerged very ir-

onions, garlic, and parri) and charac- teristic spots which ches sometimes sur-

ortum purpureum)

*Splachnum* (esp. *S. apophysis* is highly

ent chamber — see

*Ironia prunifolia* of plish black fruit

ER *ellaeia atropurpurea*)

tern American clover vered heads 3: an 1 for forage

is *Echinocoea* (esp. *E.*

purple shallow-water and Mexican Pacific

*Cardamine douglasii* ith dentate roundish

il cudweed (*Snaphal-* or purplish flowers

of the genus *Echina-*

aphalid forest butter- e wings shaded with

† faed): a common usia having purplish

ig tree (*Ficus scabra*)

arpodacus purpureus) st raspberry red

- \ n : FLOWERING

il foxglove (*Digitalis* most cultivated fox-

le-fringed orchis n *abenaria* with the lip fringed and lacinate s) with fragrant pur- orchid (*H. timbrata*)

fringeless orchis n *tabernaia peramoena* which is closely nged orchid but has ith the lip divisions

purple + fruit + red)

nules with showy blue nule (*Porphyrio por- gallinule* (*Porphyrio* southern U.S.

## purpleness

pur-ple-ness n -es : the quality or state of being purple

purple nightshade n : *TRICHOPELLO*

purple of cas-sius \-kash(e)s, -kāsēs\ usu cap C [after Andreas Cassius †1673? German physician]: a purple pigment prepared by precipitation from solutions of gold chloride and stannous chloride, consisting of colloidal gold and stannous oxide, and used chiefly in coloring ceramic glazes and rub-

glass and in a very delicate test for gold

purple of the ancients : *TYRIAN PURPLE* 1

purple orchid n : a strong reddish purple that is bluer and stronger than average fuchsia purple and bluer and deeper than phlox purple

purple orchis also purple-hooded orchis \-sə- -\ n : SHOW ORCHIS

purple osier n : *PURPLE WILLOW*

purple oxide n 1 : a natural or synthetic ferric oxide pigment varying in hue from reddish red-yellow to bluish red 2 : *OXIDE BROWN*

purple passage also purple patch n [trans. of *L. punnus* *purpureus* purple patch, fr. the traditional splendor of purple cloth as contrasted with more shabby materials] 1 : a passage conspicuous for brilliancy or effectiveness in a work that is characteristically dull, commonplace, or uninspired 2 : a piece of obtrusively ornate writing

purple ragwort n : a southern African annual herb (*Senecio elegans*) grown for its purple-rayed flowers

purple raspberry n 1 : a raspberry with purplish fruits; esp : any of several cultivated raspberries that are hybrids between red and black raspberries 2 : a raspberry with purplish canes

purple rocket n 1 : an American herb (*Jodanthus pinnatifidus*) of the family Cruciferae with purple flowers and long slender fruits 2 : *FREWED B*

purples pl of PURPLE, pres 3d sing of PURPLE

purple sage n 1 : a silvery-leaved California herb (*Salvia leucophylla*) having purple flowers 2 : a shrubby sagebrush (*Artemisia tridentata*) having the silvery leaves mostly 3- toothed at the apex and flowers in panicles

purple sandpiper n : a sandpiper (*Erilia maritima*) of the coasts of northern Europe and northeastern America that has the upper parts in winter purplish black and the underparts white

purple sandwort n : a sand spurry (*Spergularia rubra*)

purple saxifrage n : a low densely tufted perennial saxifrage (*Saxifraga oppositifolia*) growing on cool wet rocks in northern regions and having purplish imbricated keeled leaves and a solitary terminal purple flower

purple scale n : a brownish or purplish armored scale (*Lepidodaphne beckeri*) destructive to citrus fruits

pur-ple-ent \-pə-ple-ent\ adj [purple + -escent] : ap- proaching purple : growing or becoming purple

purple shell or purple snail n 1 a : a gastropod mollusk that is a source of purple dye 2 : *PURPLE L(1)* b : *JANTHINA* 2 2 : the shell of a purple shell

purple shore crab n : a shore crab (*Hemigrapsus nudus*) of the Pacific coast with variable markings of yellowish green, reddish brown, or esp. purple and red-spotted chelae

purple spurge n : a devil's milk (*Tithymalus pepulis*)

purple star thistle n : STAR THISTLE a

purple-striped jellyfish \-sɹɪpt- n : any of several large scyphozoan jellyfishes (genus *Pelagia*) with the umbrella more or less striped and mottled with purple

purple sulfur bacterium n : any of numerous sulfur bacteria (as of the family Thiorhodaceae) appearing reddish or purplish due to the combination of bacteriochlorophyll and carotenoid pigments in the cell

purple thorn apple n : a jimsonweed (*Datura stramonium* *uloid*) that is sometimes cultivated for its purplish leaves and stems and showy violet purple flowers

purpletop \-sɹɪpt- also purpletop grass n : a sticky grass (*Tridax flava*) of the eastern U.S. with purple panicles

purple-top also purple-top will n : an insect-transmitted and often fatal disease of potato plants caused by the same virus that produces aster yellows and characterized by a purplish or chlorotic discoloration of the top shoots, swelling of axillary branches, and severe wilting

purple trillium n : a birthroot (*Trillium erectum*) of eastern No. America having pink to purple or rarely white lilac-scented flowers and an astringent root sometimes used in folk medicine

purple veil n : the egg raft of the angler (sense 2) consisting of a gelatinous sheet containing eggs which on hatching give it a purple color

purple vetch n 1 : a European vetch (*Vicia benghalensis*) with whitish purple flowers that is grown for green manure and forage esp. on the Pacific coast of No. America 2 : *AMERICAN VETCH*

purple virgin's-bower n : a partly woody vine (*Clematis integrifolia*) of northeastern No. America with waxy purplish flowers — called also *purple clematis*

purple willow n : a *Firaxion* native with

## 1847

purpose 2 : on purpose — of purpose or of set purpose : on

accident : INTENTIONALLY, DESIGNEDLY 2 : in order to attain an end (did it only *purpose* to fool his friends) — to the purpose : to the point (he *purpose* said that is at all to the purpose — Clive Bell)

purpose \-pə- -\ vb -ED/-ING/-s [ME *purposen*, fr. MF *purposer*, fr. OF, modif. (influenced by *poser* to put, place) of *L. proponere* to put forward, propose — more at PROPOSE]

vt 1 : to propose as an aim to oneself : determine upon : resolve to do or bring about (did nothing ~ against the state — Shak.) (purposing to write an account of the tragedy) 2 obs : to set forth : PROPOUND 3 obs : DESIGN, DESTINE ~ vi

1 : to have a purpose 2 obs : to proceed to a destination : to be bound for some place 3 obs : DISCOURSE, TALK SYN see INTEND

pur-posed-ly \-pəstl- -\ adv [purposed + -ly] : PURPOSEFULLY, DELIBERATELY

pur-posed-ful \-pəsfəl\ adj 1 : full of determination : guided by purpose 2 : serving as, being determined to, or indicating the existence of purpose or object : not aimless or meaningless (~ activities) (ornament is often both decorative and ~) — pur-posed-ful-ly \-fəli- -\ adv — pur-posed-ful-ness n -es

pur-pose-less \-pəsls\ adj : having no purpose : not purposeful or purposive : AIMLESS, MEANINGLESS — pur-pose-less-ly adv — pur-pose-less-ness n -es

pur-pose-like \-pəslk\ adj [purpose + like] chiefly Scot : PURPOSEFUL

pur-pose-ly \-pəsl- -\ adv [purpose + -ly] : with a deliberate or an express purpose : on purpose : INTENTIONALLY, DESIGNEDLY, EXPRESSLY

purpose-made \-pəps- -\ adj : designed and constructed to serve a particular purpose

pur-pose-er \-sə(r)\ n -s : one that purposes

pur-pose-ive \-sɪv\ adj [purpose + -ive] 1 : serving or effecting a useful end or function though not necessarily as a result of deliberate design (a work of art may be without a purpose, yet ~) 2 : having, constituting, or tending to fulfill a conscious purpose or design : PURPOSEFUL (~ action) 3 : of or relating to purposivism (~ psychology) — pur-pose-ive-ly \-sɪvl- -\ adv — pur-pose-ive-ness \-sɪvnəs\ n -es

pur-pose-iv-ism \-sɪvɪzəm\ n -s [purposive + -ism] : any of various theories of nature or of human and animal behavior that regard purpose or conscious intent as a basal fact

pur-pose-iv-ist \-sɪvɪst\ n -s [purposive + -ist] : an adherent or proponent of a theory of purposivism

pur-pres-ture \-pə- -\ n [pres + -ture] or pour-pres-ture \-pɔ- -\ n [ME, fr. MF, alter. of *purpresure*, *progresure*, fr. *proprendre* to seize, occupy, enclose fr. *por* for + *prendre* to take, fr. *L.prehendere* — more at PURCHASE, PREHENSILE] 1 : wrongful appropriation of land subject to the rights of others : as a : an encroachment upon or enclosure of real estate subject to common or public rights (as highways, rivers, harbors, forts) b Brit : encroachment upon the royal domain (as the royal forests) 2 : property enclosed or seized by *purpresure*

pur-pri-son \-prɪzən\ n -s [ME, fr. MF *porpison*, fr. *porpris* (past part. of *porprendre*) + -on -ion] obs : PURPRES-TURE 1

pur-pu-ile \-pɔ- -\ n [NL, fr. *L. purple* color — more at PURPLE] 1 -s : any of several hemorrhagic states characterized by extravasation of blood into the skin and mucous membranes resulting in patches of purplish discoloration — see PURPURA

HEMORRHAGICA 2 cap [NL, fr. *L. purple* fish — more at PURPLE] : a genus of marine snails (family Muricidae) including some that yield a purple dye and formerly comprising many forms now usu. placed in the genus *Thais*

purpura hem-or-rhag-ica \-hɛn-ə- -\ n [NL, lit., hemorrhagic purpura] 1 : a condition of unknown cause that is characterized by bleeding into the skin with the production of petechiae or ecchymoses and by hemorrhages into mucous membranes and other tissues and that is associated with a reduction in circulating blood platelets and prolonged bleeding time 2 : an acute or subacute toxic state in horses that is commonly secondary to an infectious disease and is characterized by dropsical swellings of the legs, abdomen, and head and by small purple hemorrhages in these swellings and in the mucous membranes — called also *petechial fever*

pur-pu-rate \-pɔ- -\ n [NL, fr. *L. purpureus* clothed in purple, fr. *purpura* purple + -atus -ate] obs : purple-colored; also : ROYAL

pur-pu-rate \-rāt\ vt -ED/-ING/-s [NL *purpuratus*, past part. of *purpurare* to purple, fr. *purpura* purple] archaic : to make purple : robe in purple

pur-pu-rate \-rāt\ n -s [purpuric acid + -ate] : a salt or ester of purpuric acid

pur-pure or pur-pur also pur-pour \-pɔ- -\ n or adj [ME, fr. OE *purpura* — more at PURPURA] used chiefly in

## pursier

purse-maw n, dial Eng : ROSEATE TERN

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses

pur-er \-pɔ- -\ n -s [ME, fr. *L. pursa* n -s : one that purses



is -ēas\ or  
purpureus, fr.  
irpureum fr. L.  
a purple or

